

REMARKS

In view of the preceding amendments and the comments which follow, and pursuant to 37 CFR §1.111, amendment and reconsideration of the Official Action of April 6, 2006 is respectfully requested by Applicant.

The specification has been amended to add section headings and to delete a reference to specific claim numbers. No new matter has been added.

Claims 42, 49, and 58-61 have been amended. Support for the amendment to claim 42 is found in the specification on page 5, lines 9-13. No new matter has been added.

Claims 42-63 are currently pending for examination.

Objection to specification

The examiner has objected to the specification and has requested that section headings be added. The applicant has now amended his specification accordingly, and he respectfully requests the examiner's reconsideration.

Rejections under 35 USC §112, first and second paragraphs

Claims 42-63 have been rejected under 35 USC 112, first paragraph, as failing to comply with the enablement requirement. The examiner argues that the disclosure does not explain how the distance between the measurement head and the target surface is measured or controlled. The specification and the claims recite radiating the sample and receiving reflection off the sample not the surface, then controlling the distance between the sample and the surface.

Claims 42-63 have been rejected under 35 USC 112, second paragraph. The examiner argues that it is not clear what distance is being measured, and what distance is being adjusted. He argues that the measurements are inconsistent. Further, the examiner notes that in claim 58, the language "and/or" is not a clear recitation.

The applicant has now amended the claims to provide clarity and to fix any apparent inconsistencies. The "and/or" recitation in claim 58 has been eliminated. Applicant explains that the test field 20 (Fig. 1) is an area on the test strip on which sample liquid is applied (page 5, second full paragraph). The test field absorbs the liquid to a certain amount, which results in different degrees of swelling (page 1, lines 11-14). The uppermost surface of the test field after application of the liquid sample

is the target surface 12 for the reflectometric measurement (page 5, line 13 and Fig. 1). Applicant respectfully requests the examiner's reconsideration of the rejections under 35 USC 112, first and second paragraphs.

Applicant submits that his application is now in condition for allowance, and favorable reconsideration of his application in light of the above amendments and remarks is respectfully requested. Allowance of claims 42-63 at an early date is earnestly solicited.

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The examiner is hereby authorized to charge any fees associated with this Amendment to Deposit Account No. 02-2958. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

A handwritten signature in cursive script, reading "Marilyn L. Amick", written over a horizontal dotted line.

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